UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,359	10/03/2001	Christopher Jensen Read	SNY-R4742	1702

24337 7590 07/13/2007
MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH, NC 27606

EXAMINER
SHIBRU, HELEN

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
07/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/970,359	READ, CHRISTOPHER JENSEN	
	Examiner	Art Unit	
	HELEN SHIBRU	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 June 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-68* is/are pending in the application.

4a) Of the above claim(s) *4,6,11,14-26 and 37-68* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5,7-10,12,13 and 27-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/04/2007 has been entered.

Response to Amendment

2. The amendments, filed 06/04/2007, have been entered and made of record. Claims 1-3, 5, 7-10, 12, 13 and 27-36 are pending.

Response to Arguments

3. Applicant's arguments with respect to claims 1-3, 5, 7-10, 12, 13 and 27-36 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-3, 5, 7-10, 27-29 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dumont et al (US PG PUB 2001/0007611A1in view of Demas et al. (US Pat. No. 7,174,085).

Claims 32-34 will be discussed first.

Regarding claim 32, Dumont discloses a personal video recorder device, comprising:

a tuner receiving a video signal input and producing a live video signal as an output (see analog source (12) in fig. 2 and paragraph 0032);

an analog to digital converter receiving the live video signal and converting it to a digital live video signal (see paragraph 0034 and digital encoder (16) in fig. 2);

a medium interface receiving and storing the digital live video signal input as it is produced by the analog to digital converter and providing as an output a stored

digital video signal (see fig. 2 and fig. 4 component 20 and paragraphs 0036 and 0043. If the user wants to record the video signal from the analog source 12 the first switch will connect the input 22 to point 26);

a digital to analog converter receiving the stored digital video signal and producing an analog video signal (see digital decoder 22 in fig. 2);

an output circuit that provides an output signal formatted for display on a video display (see display 25 and decoder 22 in fig. 2);

a switch (multiplexer 18) that routes a signal to the digital to analog converter (see fig. 2 multiplexer 18 and decoder 22);

a controller that directs the switch to provide one of the digital live video signal and the stored digital video signal to the digital to analog converter (see component 32 in fig. 3 or component 40 in fig. 4 and paragraphs 0041 and 0047. The user controls the switch to direct the switch to one of the sources or from the medium interface to the decoder); and

wherein the controller receives user commands and responsive to a user command to change a channel, commands the switch to route the digital live video

signal to the digital to analog converter (See figures 3 and 4 and paragraphs 0043 and 0044. The analog source 12 is an analog tuner receiving analog video signals from a remote emitter through the antenna. The user can change channels as he/she desires. If the user wants to record the video signal from the analog source 12 the first switch will connect the input 22 to point 26 in fig. 3 or 4. Otherwise input 22 will connect directly to the digital decoder).

Claim 32 differs from Dumont in that the claim further requires a disk drive, and although Dumont does not specifically discloses the word "channel", Dumont discloses switching from one program source to another (as admitted by the Applicant in page 14 of the remarks). The word channel is defined in hyper dictionary as "a path over which electrical signals can pass". The analog source in Dumont is an analog tuner that receives analog video signals from a remote emitter through an antenna, and the digital source can be a digital tuner receiving from an antenna or a cable-link. The path of each sources are different. Dumont further discloses the user will be able to choose to watch the video signal from analog source or from the digital source. In addition, the digital source or the analog source do receive different channel or programs from an antenna or a cable link. In order to further show that the limitation is well known in the art, the Examiner cites secondary reference.

Demas teaches PVR that can accept an analog channel from either the tuner or the base line inputs. Demas further teaches the analog video signal is converted to digital signal. See col. 4 lines 10-37. Demas further discloses the PVR comprises hard disk drive (see fig. 2 component 250 and fig. 7 component 750). Demas further discloses switching between a live decoding and a

decoding of video data at the channel changes. Demas further discloses when a channel change command is received from the user, live decoding of the video data of the new channel is performed without looping the data through a playback buffer, and a pause in the playback can still be seamless (see col. 5 lines 29-50). Demas further discloses switching from the live-decoding mode to the PVR playback mode doesn't cause the MPEG video re-acquisition process (see col. 7 line 31-col. 8 line 34 and col. 9 lines 18-24). Therefore in light of the teaching in Demas, it would have been obvious to one of ordinary skill in the art at the time the invention was made to change channels according to the user command in order to view different program.

Regarding claim 33, Dumont discloses the output circuit comprises a modulator (see paragraph 0037, the coded digital stream are converted to be displayed on a display).

Regarding claim 34, Dumont discloses the output circuit provides the output signal formatted as one of NTSC, PAL, DVI, and MPEG (see paragraph 0037).

Regarding claims 1-3, 8, 10, and 27, the limitation of claims 1-3, 8, 10 and 27 can be found in claim 32. Therefore claims 1-3, 8, 10 and 27 are rejected for the same reason as discussed in claim 32 above.

Claims 5 and 28 are rejected for the same reason as discussed in claim 33 above.

Claims 7 and 29 are rejected for the same reason as discussed in claim 34 above.

Regarding claim 9, the limitation of claim 9 can be found in claims 32 and 33. Therefore claim 9 is rejected for the same reason as discussed in claims 32 and 33 above.

6. Claims 12-13, 30-31 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dumont et al (US PG PUB 2001/0007611A1) in view of Demas and further in view of Russo (US Pat. No. 5,701,383).

Claims 35-36 will be discussed first.

Regarding claim 35, claim 35 differs from the above proposed combinations in that the claim further requires a command to implement an effect using disk drive. Dumont discloses the user controls the switch to select one of the signals as shown in fig. 3 and 4 wherein one of the signal is coming from the medium interface 20 (see also paragraphs 0041-0044).

In the same field of endeavor Russo discloses a video time shifting system characterized in having a continuous recording track. Russo further discloses the storage means takes the form of a continuous recording track in a magnetic disk drive (see abstract). Russo further discloses the system continuously records the incoming program selected by a user on an associated display device. If a program-control command is received, the system continues to store the incoming video program and keeps track of the exact position in the program associated with the activation of the particular command. When a pause is followed by a resume command, the program continues to be displayed from the point at which it was paused (see col. 4 lines 11-27). Therefore in light of the teaching in Russo it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dumont by providing a live pause effect in order to record a full length of program without discontinuity.

Claim 36 is rejected for the same reason as discussed in claim 35 above. See also col. 5 lines 22-34 of Demas.

Claims 12-13 and 30-31 are rejected for the same reason as discussed in claim 35 above.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru
July 2, 2007